

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROBERTO CRUZ, *individually and on behalf of  
all other similarly situated employees,*

Civ. Case No. 1:20-cv-04889

*Plaintiff,*

-against-

JOE'S PIZZA BEDFORD LLC d/b/a JOE'S  
PIZZA, PINO POZZUOLI a/k/a JOE POZZUOLI,  
PINO JR. POZZUOLI a/k/a JOE JR. POZZUOLI,,  
and PINO VITALE,

*Defendants.*

**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE**

The parties in the above-captioned action, through their undersigned counsel, stipulate and agree as follows:

- 1) No party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action.
- 2) The Settlement Agreement is fair and reasonable, and adequate to redress all Plaintiffs' claims under the Fair Labor Standards Act in this action and to compensate Plaintiffs' Counsel on their request for attorneys' fees and costs.
- 3) In accordance with Rule 41 of the Federal Rules of Civil Procedure, and *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the Parties respectfully request that this action be dismissed with prejudice and without costs or attorneys' fees (other than those costs and attorneys' fees specified in the Settlement Agreement).

**[INTENTIONALLY LEFT BLANK – SIGNATURES ON FOLLOWING PAGE]**

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/s/ Israel Klein

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Attorneys for Defendants

SO ORDERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Hon. Eric R. Komitee  
United States District Judge